

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

KHALIEF DURHAM

Case No.

18-1163-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 19, 2018 in the county of Philadelphia in the  
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

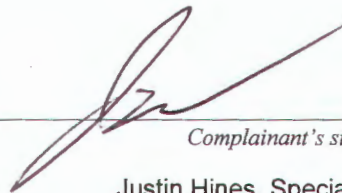
18 U.S.C. § 922(g)(1)

Offense Description

Felon in possession of a firearm

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Justin Hines, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: July 19, 2018City and state: Philadelphia, Pennsylvania


Judge's signature

Lynne A. Sitarski, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>MAGISTRATE NO.</b>
<b>KHALIEF DURHAM</b>	:	

**AFFIDAVIT IN SUPPORT OF AN  
APPLICATION FOR A CRIMINAL COMPLAINT**

I, Justin A. Hines, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since December 2015. Prior to joining ATF, I was employed as a Special Agent of the U.S. Department of State, Diplomatic Security Service for approximately three years. Before becoming a Special Agent, I served honorably in the United States Army for six years. I am currently assigned to a specialized enforcement group, the ATF Firearms Trafficking Group, whose primary mission is to investigate those individuals and groups that are engaged in the commission of federal firearms violations. During my tenure as an ATF agent, I have conducted and participated in numerous investigations, which have resulted in the arrest and prosecution of individuals who have committed violations of federal law, including but not limited to firearms offenses and narcotics trafficking.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for a criminal complaint and does not set forth all of my knowledge about this matter.

3. This affidavit relates to the July 19, 2018 arrest of Khalief Durham by ATF agents in Philadelphia, Pennsylvania, which was based on probable cause that Durham violated 18 U.S.C. § 922(g)(1) (felon in possession of a firearm).

4. On July 18, 2018, a Confidential Informant<sup>1</sup> ("C.I.") placed a monitored phone call to Durham. Durham confirmed that he wanted a firearm delivered to him that he had previously ordered from C.I. on or about June 20, 2018. Durham had previously paid the C.I. \$800 dollars for two firearms, with another \$200 dollars due on delivery of the firearms.

5. On July 19, 2018, at approximately 11:35, the CI, under the direction and supervision of ATF Agents conducted a controlled delivery of two Smith and Wesson model M&P .40 caliber pistols bearing serial numbers: MPA9868 and MPA6432 respectively. Durham purchased these firearms near the area of 3720 Main Street, Philadelphia, Pennsylvania. At the conclusion of the delivery of the firearms to DURHAM, ATF agents arrested Durham.

6. Upon Durham's arrest, he was transported to the ATF Philadelphia office located at 200 Chestnut St. Philadelphia, Pennsylvania. Upon arriving at the ATF Office, Durham was given his *Miranda* rights. After waiving his *Miranda* rights via written waiver, Durham provided a statement to investigators wherein he stated that he had previously sent money to the CI for the firearms and had completed the purchase at the time of his arrest. He further acknowledged that he was in possession of the two firearms at the time of his arrest.

7. I conducted a criminal history check of Durham. He has multiple felony convictions for crimes punishable by more than one year in prison. For instance, on January 16, 2001, in the Court of Common Pleas Philadelphia County (Dkt. No. CP-51-CR1101651-2000),

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<sup>1</sup> The C.I. began cooperating with the government on or about July 9, 2018, after learning the government had been investigating him for violations of federal firearms offenses.

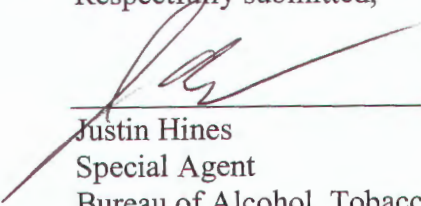


Durham was convicted of violating 18 Pa.C.I. § 3921 (receiving stolen property), a conviction punishable by more than one year in prison, for which Durham received a sentence of 12 –23 months' imprisonment. On August 3, 2006, in the Court of Common Pleas Philadelphia County (Dkt. No. CP-51-CR-0502811-2006) was convicted of 18 § 6106 (firearms not to be carried without a license), a conviction punishable by more than one year in prison, for which Durham received a sentence of 11 –23 months' imprisonment.

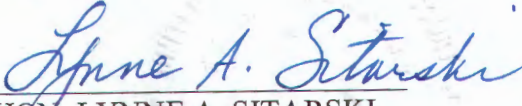
8. I have consulted with an ATF Firearms Interstate Nexus Expert regarding the origin and manufacture of the two Smith and Wesson model M&P .40 caliber pistols bearing serial numbers MPA9868 and MPA6432. Both of these firearms were manufactured in Massachusetts and therefore, by virtue of their recovery in the Commonwealth of Pennsylvania, these firearms traveled in interstate commerce.

9. Based on all the facts set forth above, I believe sufficient probable cause exists that Khalief Durham violated 18 U.S.C. § 922(g) (felon in possession of a firearm). Accordingly, I request issuance of a criminal complaint.

Respectfully submitted,

  
Justin Hines  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms, and  
Explosives

Subscribed and sworn to before me on July 19, 2018

  
HON. LYNNE A. SITARSKI  
United States Magistrate Judge